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Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Instrumentalization of Counter-Terrorism in China and the Erosion of Human Rights for Uyghurs

Society for Threatened Peoples would like to call attention to the ongoing and deteriorating situation in Xinjiang, China. Since the introduction of China's "strike hard" campaign in May, 2014, ostensibly aimed at combatting terrorism in the region has laid waste to internationally recognized standards of human rights while countering terrorism.

Counter-terrorism has subsequently emerged as a reliable justification for extrajudicial killings by police, mass arrests, arbitrary detention and the drafting of ever-more restrictive legislation in clear violation of not only China's international legal obligations, but its own Constitution, which affirms protections for freedom of speech, assembly, association, demonstration and religious belief.

There has been little or no indication thus far that Chinese authorities have remained respectful of these principles, instead relying on its own obstinacy as a guide. UN Security Council in Resolution 1456, which details the nature of counter-terrorism operations and stresses the importance of their adherence to internationally recognized human rights norms, has been altogether ignored. The justification of the use of force under the guise of a threat to security is certainly not a new one and has been well exploited by states particularly since 9/11.

Considerable concern has been raised about the nature of China's newly introduced draft legislation on counter-terrorism. Of concern is its dangerously vague definition of terrorism and terrorist activities, its conflation of religious activity with extremism, its drastic expansion of surveillance programs, and the suspension of due process for the designation of terrorist organizations. These measures filter into almost all aspects of Uyghurs' lives, including their freedom of movement and religious and cultural practices.

Arrests increased dramatically through 2014 as a result, with Chinese sources suggesting that 27,164 "terror suspects" were jailed in the region throughout the year, despite providing no reliable or substantive information about the nature of the arrests. These figures signal Beijing's willingness to continue to silence dissent above all else.

Prominent Uyghur academic, Ilham Tohti, was arrested on January 15, 2014, and subsequently sentenced to life in prison, on account of his critique of state policies. Although Tohti has been considered a moderate voice on the conflict, emphasizing harmony and conciliation between Uyghurs and Han Chinese, his case serves as an apt illustration of the explicit biases of China's justice system as well as a harbinger of the direction that the state is choosing to follow with regards to dissent.

Tohti was denied access to legal representation for months following his arrest and there are credible reports suggesting that evidence was withheld from his lawyers. Although his case was monitored by the international community, many others are not. Uyghurs are frequently arrested and held on dubious charges for long periods of time with no access to legal representation.

The UN Working Group on Arbitrary Detention (WGAD), in an opinion adopted between April 22 and May 1, found that, "The deprivation of Mr. Tohti is arbitrary, being in contravention of articles 9, 10, 11, 18, 19, 20 and 21 of the Universal Declaration of Human Rights" and urged the government to "take the necessary steps to remedy the situation, which include the immediate release of Mr. Tohti and to grant him compensation for the harm he has suffered during the period of his arbitrary detention". No actions have yet been taken in response to the opinion – a clear sign of China's continued reluctance to follow internationally recognized legal standards. Tohti was denied his appeal of the verdict and remains in prison today.

Along with many Uyghurs, tens of thousands of other activists, petitioners, Falun Gong practitioners, Christians and Tibetans are also believed to be in detention purely for their political or religious views. Authorities substantially intensified their curbs on Islam among the Uyghur population in particular in 2014, making hundreds of arrests, heavily monitoring religious leaders and conducting house-to-house searches.

China's new legislation targeting religious extremism, introduced in November and put into effect in January, 2015, serves to further limit the exercise of religious practice among Uyghurs. According to the new restrictions, children under the age of 18 are barred from attending religious services or from entering mosques for prayer. Likewise, public service employees remain barred from religious practice during working hours and were most recently prohibited from fasting during the holy month of Ramadan in July, as has been the case over the past decade. The wearing of traditional headscarves and other religious dress as well as men donning beards has also been restricted.

Imams and other religious leaders now require vetting by state officials to ensure that they are strictly teaching within the bounds of what the government tolerates. Surveillance of mosques and the thorough screening of materials produced by religious leaders is now commonplace.

China's recent intention to publish an exhaustive list of approved places of worship as a means to "root out" illegal religious activities is also of particular concern. The new controls will effectively bar communal prayer and likely other religious activities from all but these designated locations – clearly in contravention of international human rights law and the freedom to practice one's religion.

As a direct result of deteriorating conditions in the region, Uyghurs have begun fleeing the country in even greater numbers. Especially since 2009, hundreds of Uyghurs have been caught up in detention centres in Thailand, Malaysia, Cambodia, Laos, Nepal, Burma and Kyrgyzstan, where many have been returned to China to face arrest, torture or disappearance. Uyghur refugees and asylum seekers have been forcibly deported in many of these cases – in flagrant violation of both national deportation procedures and international law – from countries with strong trade and diplomatic ties to China.

The non-refoulement principle, spelled out in the 1951 Refugee Convention requires that states do not allow for the forcible return of refugees or asylum-seekers to territories where their "life or freedom would be threatened on account of race, religion, nationality, member of a particular social group, or political opinion". Uyghur refugees currently remain in detention facilities in Thailand and Malaysia and their return has already been requested by Chinese authorities. Thai and Malaysian authorities are legally obligated not to submit to this pressure, and must uphold the effective legal principles of democratic states.

At the heart of each of these issues is the unwillingness to understand or recognize root causes which continue to go unaddressed with the hope that the problem will resolve itself. Far from a reasonable approach, Chinese authorities maintain that instability should be met with unrestrained force targeting the Uyghur people. This will never serve as an appropriate response to violence and will only exacerbate an already perilous relationship between parties in the region and likely drive more towards violence. Violence begets violence, but it is crucial that we remember that peace begets peace, and understanding, understanding.

In conclusion, the Society for Threatened Peoples calls on member and observer states at the Human Rights Council as well as international human rights organizations to recognize the situation for what it is – a genuine human rights problem for millions of Uyghurs living in Xinjiang – and call on the Chinese delegation to put a stop to its clear abuses.